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MAR 23 2009

Hang Liu
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Waterloo, ON, N2V 2S2
Canada
Mar. 22, 2009

Commissioner of Patents
Technology Division 2614
Washington, D.C. 20231
U.S.A.
Fax to: 571 273 8300

Dear Commissioner:

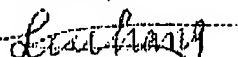
This communication is to respond to the "Notice of Requiring Excess Claims Fees" mailed to me on Feb. 26, 2009 regarding 10/609,364 (Method and system for determining a location of a wireless transmitting device and guiding the search for the same).

It appears to me that there are some mistakes in the fee determination in the notification that I received, in particular:

1. The "highest number of previously paid for" for independent claims was marked as "5" by mistake. In fact, on May 13, 2008, I have paid additional 3 independent claims in response to your fee assessment and notification mailed to me on May 2, 2008. Therefore, for the independent claims, the "highest number previously paid for" should be 8. Photocopies of the previous communications are enclosed for your convenience of inspection.
2. I thought the withdrawn claims are not counted for fees, and if so, I do not need to pay any additional fee at this time; however, if withdrawn claims still count for fees, I need to pay for two more (withdrawn) independent claims and one total claim, which is \$246.

Therefore, I have enclosed a new credit card payment form with \$246 authorized for the case that withdrawn claims need to be paid. Please let me know if I am wrong.

Regards,
Sincerely,


Hang Liu

03/24/2009 JVONG1 00000041 18609364

01 FC:2201
02 FC:2202220.00 OP
26.00 OP

**NOTICE REQUIRING EXCESS CLAIMS
FEES**

Application No.

10/609,364

Applicant(s)

LIU, HANG

Art Unit

3998

The excess claim(s) filed on 31 March, 2008 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.15(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$315, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid **ABANDONMENT**. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- ☐ 1. The funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account _____ (Card type + last 4 digits **ONLY**) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☒ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☐ 4. The fee submitted in this application is insufficient. A balance of \$ _____ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☒ 5. Other: _____

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due): need to pay for 3 extra independent claims

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THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(n)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Technical Support Staff (TSS): JACQUILYN L. WILLIAMS/

Phone Number: (571)272-1640

Note to TSS: Please do NOT use this notice if the application is under a final rejection.



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c 05/02/2008

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Paper No.

Application No.:	10/609,364	Date Mailed:	05/02/2008
First Named Inventor:	Liu, Hang,	Examiner:	TIEU, BINH KIEN
Attorney Docket No.:		Art Unit:	2614
Confirmation No.:	8157	Filing Date:	06/30/2003

Please find attached an Office communication concerning this application or proceeding.

Old

Commissioner for Patents

PTO-900 (Rev. 08-06)